

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL	)	No. 12-md-2323 (AB)
LEAGUE PLAYERS' CONCUSSION	)	
INJURY LITIGATION	)	MDL No. 2323
	)	
-----	)	
	)	<b>SHORT FORM COMPLAINT</b>
<b>THIS DOCUMENT RELATES TO:</b>	)	
	)	<b>IN RE: NATIONAL FOOTBALL</b>
<b>Plaintiffs' Second Amended</b>	)	
<b>Master Administrative Long-</b>	)	<b>IN RE: NATIONAL FOOTBALL</b>
	)	<b>LEAGUE PLAYERS' CONCUSSION</b>
<b>Form Complaint and</b>	)	<b>INJURY LITIGATION</b>
<b>Raymond Anthony Brooks and</b>	)	
<b>Allison Kelly-Brooks v. National Football,</b>	)	
<b>League, et al., No. 2:14-cv-00651</b>	)	
	)	<b>JURY TRIAL DEMANDED</b>
	)	

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**SHORT FORM COMPLAINT AGAINST RIDDELL DEFENDANTS**

1. Plaintiffs, RAYMOND ANTHONY BROOKS and ALLISON KELLY BROOKS, brings this civil action as a related action in the matter entitled IN RE: NATIONAL FOOTBALL LEAGUE PLAYERS' CONCUSSION INJURY LITIGATION, MDL NO. 2323.

2. Plaintiffs are filing this Short Form Complaint against Riddell Defendants as required by this Court's Case Management Order ECF No. 7709, filed May 18, 2017.

3. Plaintiff and Plaintiff's Spouse, continue to maintain claims against Riddell Defendants after a Class Action Settlement was entered into between the NFL Defendants and certain Plaintiffs.

4. Plaintiff, and Plaintiff's Spouse incorporate by reference the allegations (as designated below) of the Second Amended Master Administrative Long-Form Complaint against

Riddell Defendants, as if fully set forth at length in this Short Form Complaint. However, Plaintiff denies that there is federal subject matter jurisdiction over this action.

5. Plaintiff, Raymond Anthony Brooks, is resident of Cassopolis, Michigan and claims damages as set forth below.

6. Plaintiff's Spouse, Allison Kelly Brooks, is a resident of Cassopolis, Michigan, and claims damages as a result of loss of consortium proximately caused by the harm suffered by her Plaintiff husband.

7. Upon information and belief, the Plaintiff sustained repetitive, traumatic sub-concussive and/or concussive head impacts during NFL games and/or practices. Upon information and belief, Plaintiff suffers from symptoms of brain injury caused by the repetitive, traumatic sub-concussive and/or concussive head impacts the Plaintiff sustained during NFL games and/or practices. Upon information and belief, the Plaintiff's symptoms arise from injuries that are latent and have developed and continue to develop over time.

8. The original Complaint by Plaintiffs in this matter was filed in the Circuit Court of Cook County, Illinois and removed to the U.S. District Court for the Northern District of Illinois, Eastern Division by Motion of Defendant, National Football League. If the case is remanded, it should be remanded to the Circuit Court of Cook County Illinois, Case No. 2013 L 014235.

9. Plaintiff claims damages as a result of

- ☒ Injury to Herself/Himself
- ☐ Injury to the Person Represented
- ☐ Wrongful Death
- ☐ Survivorship Action

x   Economic Loss

10. Plaintiff and Plaintiff's Spouse brings this case against the following Defendants in this action:

  x   Riddell, Inc.

  x   Riddell Sports Group, Inc.

  x   All American Sports, Inc.

  x   RBG Sports, Inc., f/k/a Easton-Bell Sports, Inc.

  x   RBG Sports, Inc., f/k/a Easton-Bell Sports, LLC

  x   RBG Sports Corp.

  x   RBG Sports Holdings Corp., f/k/a RBG Holdings Corp.

11. Plaintiff played in   x   the National Football League ("NFL") and/or in \_\_\_\_ the American Football League ("AFL") during 1992–1995 for the following teams: Philadelphia Eagles and London Monarchs.

12. Plaintiff retired from playing professional football after the 1995 season.

### **CAUSES OF ACTION**

13. Plaintiff herein adopts by reference the following Counts of the Second Amended Master Administrative Long-Form Complaint, along with the factual allegations incorporated by reference in those Counts [check all that apply]:

  x   Count I (Negligence)

  x   Count II (Negligent Marketing)

  x   Count III (Negligent Misrepresentation)

  x   Count IV (Fraud)

- x   Count V (Strict Liability/Design Defect)
- x   Count VI (Failure to Warn)
- x   Count VII (Breach of Implied Warranty)
- x   Count VIII (Civil Conspiracy)
- x   Count IX (Fraudulent Concealment)
- Count X (Wrongful Death)
- Count XI (Survival Action)
- Count XII (Loss of Consortium)
- x   Count XIII (Punitive Damages under All Claims)
- x   Count XIV (Declaratory Relief: Punitive Damages)

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff and Plaintiff's Spouse pray for judgment as follows:

- A. An award of compensatory damages, the amount of which will be determined at trial;
- B. An award of economic damages in the form of medical expenses, out of pocket expenses, lost earnings and other economic damages in an amount to be determined at trial;
- C. For punitive and exemplary damages as applicable;
- D. For all applicable statutory damages of the state whose laws will govern this action;
- E. For loss of consortium as applicable;
- F. For declaratory relief as applicable;
- G. For an award of attorneys' fees and costs;

- H. An award of prejudgment interest and costs of suit; and
- G. An award of such other and further relief as the Court deems just and proper.

**JURY DEMANDED**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff hereby demands a trial by jury.

Dated:

Respectfully Submitted:

**WINTERS SALZETTA O'BRIEN  
& RICHARDSON, LLC**

(s) John F. Winters, Jr.  
Attorneys for Plaintiff

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 1, 2017, the foregoing Short Form Complaint was filed with the Clerk of the United States Judicial Panel on Multidistrict Litigation using the CM/ECF electronic filing system which automatically transmitted a Notice of Electronic Filing to all ECF registrants.

/s/ John F. Winters, Jr.  
John F. Winters, Jr.

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